

Party: Claimants

Name: Andrew James Todd

Number: First

Date: 15 January 2025

Exhibits: AT1 – AT3

CLAIM NO:

**IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION**

B E T W E E N

- (1) WM MORRISON SUPERMARKETS LIMITED**
- (2) SAFEWAY STORES LIMITED**
- (3) WM MORRISON PRODUCE LIMITED**

Claimants

- v -

- (1) PERSONS UNKNOWN AS DESCRIBED IN THE SCHEDULE 1 ATTACHED TO
THE CLAIM FORM**
- (2) PERSONS UNKNOWN AS FURTHER DESCRIBED IN THE SCHEDULE 1
ATTACHED TO THE CLAIM FORM**

Defendants

WITNESS STATEMENT OF

ANDREW JAMES TODD

I **ANDREW JAMES TODD** of Eversheds Sutherland (International) LLP, Water Lane, Leeds LS11 5DR **WILL SAY** as follows:-

1. I am a Senior Partner in the firm of Eversheds Sutherland (International) LLP and am responsible for the overall conduct of these proceedings on behalf of the Claimants.

2. I make this witness statement in support of the Claimants' application for an injunction in respect of the Claimants' Regional Distribution Centres ("**RDC**") detailed below.
3. This witness statement has been produced by me with the assistance of my colleagues, Alex Wright, [REDACTED], [REDACTED] and [REDACTED].
4. The statements in this witness statement are from my own knowledge, save where I state otherwise. Where statements are matters of information or belief, I provide the source of that information or belief.
5. For ease of reference, this witness statement is divided into the following sections:
 - 5.1. Section 1 - Claimants' Interest In The Subject RDCs
 - 5.2. Section 2 - The Proposed Injunction
 - 5.3. Section 3 - Farmers To Action – Background
 - 5.4. Section 4 - Farmers To Action – 2025 Protest Action – General
 - 5.5. Section 5 - Farmers To Action – 10 January Action
 - 5.6. Section 6 - Farmers To Action - Blockade Of Willow Green RDC
 - 5.7. Section 7 - Farmers To Action – Threat To Disrupt The Claimants' RDCs
 - 5.8. Section 8 – Persons Unknown
 - 5.9. Section 9 – Without Notice
 - 5.10. Section 10 – Balance of Convenience / Compelling Justification
 - 5.11. Section 11 - Full and Frank Disclosure
 - 5.12. Section 12 - Service and Notice Of The Proceedings
6. I refer to exhibits marked **AT1, AT2 and AT3** in this statement. They have been produced to me and I verify that the documents in those exhibits are true copies of the documents.
7. [REDACTED], [REDACTED] and [REDACTED] have prepared the plans exhibited at **AT2** enclosed to this statement using an online platform called Orbital Witness. Such plans consist of:

7.1. Plans 1 – 8 – which show the extent of the land over which an injunction order is sought, being:

7.1.1. land coloured blue - land within the ownership of the relevant Claimant;

7.1.2. land coloured orange – third party land over which a right of way to access the relevant site is enjoyed; and

7.1.3. land coloured pink – public highway

7.2. Plans 1A – 8A – which show the ownership of the land over which an injunction order is sought, being either land owned by one or more of the relevant Claimants or third party land.

SECTION 1 – CLAIMANTS’ INTEREST IN THE SUBJECT RDCS

A. SWAN VALLEY - REGISTERED TITLE

9. The First Claimant is the lessee of the following properties which make up the RDC at Swan Valley Way, Northampton NN4 9BD ("**Swan Valley**"):

9.1 Morrisons, Cob Drive, Swan Valley, Northampton NN4 9BB ("**SV1**");

9.2 Morrisons DC2, Swan Valley, Northampton NN4 9BD ("**SV2**"); and

9.3 Morrisons Swan Valley 3 (SV3), Upton, Northampton ("**SV3**").

10. The First Claimant occupies SV1 pursuant to a lease dated 7 December 2022 and made between (1) Otrera Holdco Limited and (2) WM Morrison Supermarkets Limited (the "**SV1 Lease**") (attached at pages 1 to 346 of exhibit "**AT1**"). The First Claimant’s title is registered at the HM Land Registry ("**HMLR**") under title number NN391687 (title register and title plan enclosed at pages 347 to 353 of the exhibit marked "**AT1**"). The freehold title is held by White Rose Nor Limited (formerly known as Otrera Holdco Limited) and is registered at the HMLR under title number NN184473 (title register and title plan enclosed at pages 354 to 361 of the exhibit marked "**AT1**").

11. The First Claimant occupies SV2 pursuant to a lease dated 6 July 2023 and made between (1) Redwood (Logistics 2) Propco S.À.R.L (2) WM Morrison Supermarkets Limited (attached at pages 362 to 413 of **AT1**). The First Claimant’s title is registered at the HMLR under title number NN395252 (title register and title plan enclosed at pages 414 to 422 of the exhibit marked

"AT1"). The freehold title is held by Redwood (Logistics 2) Propco Limited and is registered at the HMLR under title number NN193410 (title register and title plan enclosed at pages 423 to 432 of the exhibit marked **"AT1"**).

12. The First Claimant occupies SV3 pursuant to a lease dated 9 July 2018 and made between (1) Prologis UK CCXXVIII SARL (2) WM Morrison Supermarkets PLC and (3) Prologis Park Pineham Management Company Limited (the **"SV3 Lease"**). The First Claimant's title is not registered at HMLR, however the lease under which the First Claimant occupies is enclosed at pages 433 to 499 of the exhibit marked **"AT1"**. The freehold title is held by Prologis UK 88 Limited and is registered at the HMLR under title number NN271945 (title register enclosed at pages 500-506 of the exhibit marked **"AT1"** and title plan has been ordered to come by post).
13. References to "Swan Valley" within this statement mean the SV1, SV2 and SV3, collectively.
14. There is now produced and shown to me at **pages 1-5** of the exhibit marked **"AT2"** the following:
 - 14.1 Plans 1.1, 1.2 and 1.3 which show the proposed extent of the injunction boundary for SV1, SV2 and SV3. The proposed injunction boundary is superimposed on to these plans in a red line. Where applicable, the private roads are shown in orange and the public roads are shown in pink; and
 - 14.2 Plans 1.1A and 1.3A which show the titles within the boundary. The plans show a clear distinction between the First Claimant's land and third party land, with third party land being shown in black and marked on the key accordingly. There is no plan 1.2A as the proposed injunction area consists solely of the First Claimant's relevant interest at SV2.
 - 14.3 As explained below, the First Claimant's lease of SV3 is unregistered and therefore Plans 1.3 and 1.3A only show the approximate location of the land within the First Claimant's ownership.

SV1

15. I am informed by [REDACTED] that the proposed injunction area includes land beyond the extent of the First Claimant's registered title, and includes a private road (Cob Drive). The freehold title to the section of private road shown on Plan 1.1 coloured in orange is owned by Aviva Life & Pensions UK Limited (**"Aviva"**) and is registered at HMLR under title number NN112688 (title register enclosed

at pages 507 to 537 of the exhibit marked "**AT1**" and title plan has been ordered to come by post). The roundabout marked in pink on Plan 1.1 is public highway ; the extent of the First Claimant's registered title is shown marked blue.

16. I am informed by Ms Fishwick that Plan 1.1 follows the boundaries of the First Claimant's leasehold interests SV1 as closely as it is possible to achieve, save that there are two access points from Cob Drive to the operational site as can be shown on Plan 1.1. The First Claimant needs to be able to cross Cob Drive in order to access the public highway at Nectar Way or Swan Valley Way. The extent of the injunction boundary sought by the First Claimant therefore includes part of the Cob Drive owned by Aviva.
17. The First Claimant enjoys the benefit of a right of way over Cob Drive (and over the private road shown in orange on Plan 1.1) pursuant to the terms of the SV1 Lease. Schedule 2 of the SV1 Lease sets out the rights granted to the First Claimant under the terms of the Lease and this states that the First Claimant has the right to use "*all rights, easements and privileges corresponding to those benefiting the Premises of which the Landlord has the benefit*". The benefit of the right of way is registered against Aviva's title at HMLR at A2 of the property register and is contained within a transfer dated 4 September 1996 at paragraph 1 of schedule 1 (transfer enclosed at pages 538 to 555 of the exhibit marked "**AT1**").
18. The First Claimant believes that it is necessary to include the areas of Cob Drive included within the proposed injunction boundary because its staff obtain access and egress to SV1 to the north of SV1 and this is the only means of access and egress to the staff car park at SV1. The First Claimant also believes that it is necessary to include the roundabout where Nectar Way meets Cob Drive as this is the only means of access and egress to SV1 for HGVs.

SV2

19. The First Claimant only seeks an injunction in respect of its registered title for SV2 and does not seek to include any third party land or public highway because this building abuts the public highway. The extent of the First Claimant's registered title is shown coloured blue on Plan 1.2 and the red line boundary is the proposed injunction area.

SV3

20. I am informed by [REDACTED] that the proposed injunction area includes land beyond the extent of the First Claimant's registered title, and include sections of private road (Style Way and Sepals Way) and a roundabout on a public highway (where Sepals Way leads on to Upton Valley Way N and Nectar Way). The private road is shown in orange and the section of the road which is public highway is shown in pink on Plan 1.3. The leasehold interest is unregistered at HMLR, and therefore Plans 1.3 and 1.3A only show the approximate area of the First Claimant's demise, marked in blue. The precise boundary of the First Claimant's demise is shown by the plan attached to the SV3 Lease.
21. The freehold title to the section within the proposed injunction boundary of the private road is owned by Prologis (Pineham) Park, whose title is registered at HMLR under title number NN60634 (title register enclosed at pages 556 to 560 of the exhibit marked "**AT1**" and plan has been ordered to arrive by post).
22. The First Claimant enjoys the benefit of a right of way over the private road pursuant to clause 2.4(b) of the SV3 Lease which sets out the right for the First Claimant, in common with anyone else who is similarly entitlement to "*(i) a right of way with or without vehicles... over the common estate roads forming part of the Estate...*" The Estate is defined in the SV3 Lease as meaning "*the land known as Prologis Park, Pineham, Northamptonshire which is more particularly shown edged in blue on the Estate Plan*". The Estate Plan is at Appendix 2. The benefit of the right of way is registered against the freehold title for SV3 at A5 of the property register and derives from a transfer dated 19 January 2007 (copy enclosed at pages 561 to 573 of the exhibit marked "**AT1**"), specifically paragraph 2(i) of Schedule 1.
23. I am instructed by the First Claimant that Access is required over the parts of the private road and public highway within the proposed injunction boundary because access and egress to SV3 is obtained via the roundabout where Sepals Way meets Upton Valley Way N and HGVs then exit the roundabout on to Nectar Way. Sainsburys have an RDC to the north west of SV3 and therefore the First Claimant considers that this increases the possibility of SV3 (and indeed Swan Valley) being directly targeted by protestors. If a blockade was formed along any part of the private road or the public highway identified within the proposed injunction boundary, the First Claimant would not be able to obtain access and egress from SV3.

B. STOCKTON - REGISTERED TITLE

24. The Second Claimant is the freehold owner of an RDC at Malleable Way, Stockton-on-Tees TS18 2SZ ("**Stockton**"), registered at HM Land Registry under title numbers CE206020 and CE113367 (both title registers and title plan for CE113367 enclosed at pages 574 to 589 of the exhibit marked "**AT1**" and title plan for CE206020 has been ordered to arrive by post).
25. There is now produced and shown to me at **pages 6-7** of the exhibit marked "**AT2**" the following:
- 25.1 Plan 2 which shows the proposed extent of the injunction boundary for Stockton. The proposed injunction boundary is superimposed on to the plan in a red line. The extent of the Second Claimant's title is shown in blue and the public highway is shown in pink; and
- 25.2 Plan 2A which shows the proposed extent of the injunction boundary for Stockton, together with the titles within the boundary, as per the key to the top left hand side of the plan.
26. I am informed by [REDACTED] that the proposed extent of the injunction boundary follows the extent of the First Claimant's registered titles at HMLR, save for the fact that the proposal is to include a section of public highway to the north of Stockton, at Malleable Way, which is the access point into Stockton for the Second Claimant's HGVs. I am instructed that the Second Claimant considers that it is proportionate for the injunction boundary to extend beyond the extent of its registered titles and include the section of the public highway shown if there was a blockade on Malleable Way to the north of where the Second Claimant's registered title ends, this would prevent all of the Second Claimant's HGVs from being able to access Stockton.

C. SITTINGBOURNE - REGISTERED TITLE

27. The First Claimant is the freehold owner of an RDC at Morrisons South East Distribution Centre, G Park, Sittingbourne (ME10 2FD), Swale, Kent ("**Sittingbourne**"), registered at HM Land Registry under title number K955954 (the title register is attached at pages 590 to 597 of the exhibit **AT1** and the title plan has been ordered to arrive by post). The First Claimant granted a 999-year leasehold interest to Tritax Acquisition 4 Limited ("**Tritax**") of Sittingbourne dated 24 June 2014 (Tritax's title is registered at HMLR under title number TT26152 – the title register is attached at pages 598 to 606 of the exhibit marked "**AT1**" and the title plan has been ordered to arrive by post) as part of a sale and leaseback transaction in which Tritax immediately granted an

underlease of Sittingbourne to the First Claimant dated 24 June 2014 (the "**Sittingbourne Underlease**"), which is registered under title number TT26534 (title register and title plan enclosed at pages 607 to 617 of the exhibit marked "**AT1**"). The First Claimant therefore occupies Sittingbourne pursuant to the terms of the Sittingbourne Underlease.

28. There is now produced and shown to me at **pages 8-9** of the exhibit marked "**AT2**" the following:

28.1 Plan 3 which shows the proposed extent of the injunction boundary for Sittingbourne. The proposed injunction boundary is superimposed on to these plans in a red line and the extent of the First Claimant's title is shown in blue. The private road (Fleet End) is shown in orange and the public highway (from the roundabout where Fleet End meets Barge Way and on to Barge Way) in pink; and

28.2 Plan 3A which shows the proposed extent of the injunction boundary for Sittingbourne, together with the titles within the boundary. The plan shows a clear distinction between the First Claimant's land and third party land as indicated by the key to the top left hand side of the plan.

29. I am informed by [REDACTED] that the proposed extent of the injunction boundary follows the extent of the First Claimant's registered titles at HMLR, save for the fact that the proposal is to include part of a private road as shown marked in orange and the public highway marked pink on Plan 3. The registered proprietor of the freehold title to the section of the private road within the proposed injunction boundary is G Park Management Company Limited ("**GPMC**"), whose title is registered at HMLR under title number K956023 (backdated title register enclosed at pages 618 to 629 of the exhibit marked "**AT1**"). An updated title register and title plan have been ordered from HMLR). The road is publicly adopted where it meets Barge Way to the south-east of Sittingbourne RDC.

30. The First Claimant seeks a wider proposed injunction boundary beyond the extent of its registered title because its only means of access and egress to Sittingbourne is along Barge Way (the section shown to the south of Sittingbourne and shown coloured pink on Plan 3) and if there was a blockade either at the roundabout where Fleet End meets Barge Way or along the section of Barge Way shown, this would prevent all means of access and egress to Sittingbourne.

31. The First Claimant enjoys a right of way over Fleet End pursuant to rights set out within a transfer dated 1 May 2009 (enclosed at pages 630 to 641 of the exhibit marked "**AT1**"). The benefit of the right of way is set out at paragraph 12.2.1(B) of the transfer. The "Estate Roads" includes Fleet End is shown coloured pink on the Estate Plan attached to the transfer. The benefit of the rights contained within this transfer is recorded at A6 of the First Claimant's registered title (TT26534) (title register and title plan enclosed at pages 607 to 617 of the exhibit marked "**AT1**"). The burden of the right of way is registered at A18 of GPMC'S registered title K956023 (at pages 618 to 629 of the exhibit marked "**AT1**").

D. GADBROOK - REGISTERED TITLE

32. The First Claimant is the freehold owner of land to the east west side and the south west side of King Street, Rudheath, Northwich SW9 7WA and at 5 King Street, Rudheath, Northwich SW9 7WA registered at HM Land Registry under title number CH403450, CH402012, and CH503608 (title registers for all three and title plans for CH402012 and CH503608 enclosed at pages 642 to 662 of the exhibit marked "**AT1**" and the title plan for CH403450 has been ordered to arrive by post).
33. The Third Claimant is the freehold owner of land on the east side of Orchard Marina, School Road, Rudheath, Northwich CW9 7RG, registered AT HMLR under title number CH716798 (title registers and title plan enclosed at pages 663 to 671 of the exhibit marked "**AT1**").
34. The land registered under title numbers CH403450, CH402012, CH503608 and CH716798 forms the RDC at Gadbrook and references within this statement to the "**Gadbrook RDC**" means the land registered under these title numbers.
35. There is now produced and shown to me at **pages 10-11** of the exhibit marked "**AT2**" the following:
- 35.1 Plan 4 which shows the proposed extent of the injunction boundary for Gadbrook. The proposed injunction boundary is superimposed on to this plan in a red line, the extent of the First and Third Claimants' titles is shown in blue and the public highway is marked pink; and
- 35.2 Plan 4A which shows the proposed extent of the injunction boundary for Gadbrook, together with the titles within the boundary and third party land.

35.3 I am informed by [REDACTED] that the proposed extent of the injunction boundary follows the extent of the First and Third Claimants' registered titles at HMLR, save for the fact that the proposal is to include a section of public highway (the A530 roundabout which is where access and egress to Gadbrook is obtained for all vehicles) shown marked pink on Plan 4. The First and Third Claimant consider that it is proportionate for the injunction boundary to extend beyond the extent of its registered titles and include the section of the public highway shown to mitigate against the potential risk of a blockade on the roundabout, which would prevent all means of access and egress to the site. I am instructed by the First and Third Claimant that disruption has previously been caused to Gadbrook as part of a HGV driver strike whereby the roundabout was partly blocked and this caused significant disruption to the First and Third Claimant's operations at Gadbrook. It is for this reason that the First and Third Claimants are seeking to include the roundabout within the proposed injunction boundary but is not seeking to include the public highway beyond this.

E. LATIMER PARK - KETTERING RDC - REGISTERED TITLE

36. The First Claimant is the lessee of an RDC at Morrisons Distribution Centre, Altendiez Way, Burton Latimer, Kettering (NdN15 5YT) ("**Kettering**"), which is registered under title number NN391689 at HMLR (title register enclosed at pages 672 to 683 of the exhibit marked "**AT1**" and the title plan has been ordered to arrive by post). The First Claimant occupies Kettering under the terms of a lease dated 7 December 2022 and made between (1) SLBII Propco 6 Limited and (2) the First Claimant. The freehold title to Kettering RDC is registered at HMLR under title number NN247680 (title register and title plan enclosed at pages 684 to 695 of the exhibit marked "**AT1**" and the title plan has been ordered to arrive by post) and the registered proprietor is White Rose Ket Limited.
37. There is now produced and shown to me at **pages 12-13** of the exhibit marked "**AT2**" the following:
- 37.1 Plan 5 which shows the proposed extent of the injunction boundary for Kettering. The proposed injunction boundary is superimposed on to the plan in a red line; the extent of the First Claimant's title is shown in blue' and the public highway is shown marked pink (the public highway is Altendiez Way, part of Kettering Road to the north east of Kettering and part of the A6); and
- 37.2 Plan 5A which shows the proposed extent of the injunction boundary for Kettering, together with the title within the boundary and third party land.

38. There are two access points into Kettering, the north east access point is obtained from Altendiez Way (leading from Kettering Road) and the north west access point is obtained from the section of Altendiez Way which follows on from Polwell Lane. The north east access point is the HGV access ; the south west access point is the staff car park access.
39. I am informed by [REDACTED] that the proposed extent of the injunction boundary follows the extent of the First Claimant's registered title at HMLR, save for the fact that the proposal is to include sections of the public highway as shown marked in pink on Plan 5. The First Claimant believes that the extent of the proposed injunction boundary sought is reasonable and proportionate because if a blockade was formed along Kettering Road or the section of Altendiez Way which leads to Kettering Road and then on to the A6, this would prevent all means of access and egress to Kettering.

F. LATIMER PARK – CORBY RDC – REGISTERED TITLE

40. The First Claimant is the lessee of an RDC at WM Morrison Supermarkets, 2 Halley Road, Corby NN17 5AN (the "**Corby**"). The First Claimant occupies Corby pursuant to the terms of a lease dated 14 November 2023 and made between (1) White Rose Cor Limited and (2) WM Morrison Supermarkets Limited (the "**Corby Lease**"). A copy of the Corby Lease is enclosed at pages 696 to 1033 of the exhibit marked "**AT1**". The Corby Lease is unregistered. The Corby Lease was granted to the First Claimant by White Rose Cor Limited as part of a sale and leaseback transaction whereby the First Claimant sold part of its freehold interest registered under title number NN243643 to White Rose Cor Limited on 14 November 2023. The application to register the transfer is still pending at HMLR, however a copy of the TP1 is enclosed at pages 1034 to 1043 of the exhibit marked "**AT1**".
41. There is now produced and shown to me at **pages 14-15** of the exhibit marked "**AT2**" the following:
- 41.1 Plan 6 which shows the extent of the First Claimant's registered title in blue, a section of a private road in orange and a public highway in pink, all of which the First Claimant is proposing to include within the injunction boundary; and
- 41.2 Plan 6A which shows the proposed extent of the injunction boundary for Corby superimposed on to the plan in a red line, together with the titles within the boundary, and third party land in black.

42. The private road (marked orange on Plan 6) is the land to the west side of Gretton Road , which is joined by the roundabout marked in colour pink on Plan 6A, which is public highway. The roundabout leads to Birchington Road and A6116.
43. I am instructed by the First Claimant that access and egress to Corby is obtained at the two access points shown on Plan 6 and the only means of access and egress to Corby is obtained along the private road shown orange on the same plan. The private road is off Birchington Road and the registered proprietor for the freehold title to this road is Urban&Civic Corby Limited, whose interest is registered at HMLR under title number NN354628 (title plan and register enclosed at pages 1044 to 1051 of the exhibit marked "**AT1**"). This land is subject to the rights reserved by a transfer dated 6 September 2007 (copy enclosed at pages 1052 to 1062 of the exhibit marked "**AT1**"). The First Claimant enjoys a right of way over this private road pursuant to paragraph 2 of Schedule 1 of the transfer and the rights granted under schedule 2 of the Corby Lease. Entry A4 on the title register for title number NN243643 further confirms the benefit of a right of way in the First Claimant's favour over the roadway (title register enclosed at pages 1063 to 1066 of the exhibit marked "**AT1**").
44. I am informed by [REDACTED] that the proposed extent of the injunction boundary follows the extent of the First Claimant's registered title at HMLR, save for the fact that the proposal is to include sections of private road and public highway as shown marked in orange and pink respectively on Plan 6. The First Claimant believes that the extent of the proposed injunction boundary sought is reasonable and proportionate because if a blockade was formed along the private road shown within the proposed boundary area and / or the roundabout from the A6116 leading to Birchington Road, this would prevent access and egress from Corby.

G. WILLOW GREEN - REGISTERED TITLE

45. The First Claimant's interest in the northern part of Willow Green is registered at HMLR under title number ST315385 (title register and title plan enclosed at pages 1067 to 1073 of the exhibit marked "**AT1**") ("**Willow Green North**") and is held under a lease dated 29 July 2014 and made between (1) Lime Property Fund Limited Partnership and (2) the First Claimant (lease enclosed at pages 1074 to 1161 of the exhibit marked "**AT1**"). The First Claimant's immediate landlord registered at HMLR under this lease is Lime Property Fund (General Partner) Limited and Lime Property Fund (Nominee) Limited, whose superior leasehold interest is registered at HMLR under title number ST315384 (title

register enclosed at pages 1162 to 1167 of the exhibit marked "**AT1**" and title plan has been ordered to arrive by post). The freehold title and superior landlord of this part of Willow Green is Optimisation Investments Limited, whose interest is registered at HMLR under title number ST288959 (title register enclosed at pages 1168 to 1173 of the exhibit marked "**AT1**" and title plan has been ordered to arrive by post). Optimisation Investments Limited is a subsidiary of the First Claimant.

46. The First Claimant's interest in the southern part of Willow Green ("**Willow Green South**") is registered at HMLR under title number ST376668 (title register and title plan enclosed at pages 1174 to 1180 of the exhibit marked "**AT1**") and is held under a lease dated 7 December 2022 and made between (1) SLBII Propco 8 Limited and (2) the First Claimant (lease enclosed at pages 1181 to 1557 of the exhibit marked "**AT1**"). The freehold title is held by White Rose Bri Limited and is registered at HMLR under title number ST108114 (title register and title plan enclosed at pages 1558 to 1567 of the exhibit marked "**AT1**").
47. There is now produced and shown to me at **pages 16-19** of the exhibit marked "**AT2**" the following:
- 47.1 Plans 7.1 and 7.2 which show the proposed extent of the First Claimant's interest in Willow Green marked in blue and the proposed injunction boundary is superimposed onto the plans as shown by the red line on each plan. The private road is marked in orange and the public highway is marked in pink (where applicable); and
- 47.2 Plans 7.1A and 7.2A which show the First Claimant's title in Willow Green, with third party land marked in black.

Willow Green North

48. I am informed by [REDACTED] that the proposed injunction area includes land beyond the extent of the First Claimant's registered title, and includes a private road (Kings Road) and part of the public highway (a roundabout to the south of the site where Kings Road meets Ascot Drive and Kings Drive. The section of public highway is shown in pink on Plan 7.1. There is only one point of access and egress to Willow Green North as shown on the plans, along Kings Road (which is a private road shown marked orange on Plan 7.1).
49. The freehold title to the section of private road (Kings Road) shown on the plans and marked orange is owned by Hallam Land Management Limited ("**Hallam**")

and is registered at HMLR under title number ST243002 (title register enclosed at pages 1568 to 1575 of the exhibit marked "AT1" and the title plan has been ordered to come by post).

50. The First Claimant enjoys a right of way over Kings Road pursuant to the terms of a transfer of part dated 15 October 2010 from (1) Hallam to Optimisation Developments Limited (TP1 enclosed at pages 1576 to 1593 of the exhibit marked "AT1"). The benefit of the right of way is registered against the First Claimant's leasehold title (ST315385) at A6 of the property register and is also registered against Optimisation Investments Limited's freehold title (ST288959) at A5 of the property register.
51. I am informed by the First Claimant that it is reasonable and proportionate to include the section of Kings Road marked on the plans and the roundabout within the proposed injunction area because Kings Road is the only point of access into Willow Green North and as explained within the Witness Statement of Scott Roberts, there has already been protest activity at Willow Green North on 10 January whereby the roundabout at the top of Kings Road (which is within the extent of the First Claimant's registered title) was blocked by a significant number of tractors. Therefore if any part of Kings Road was blocked, all means of access and egress to Willow Green North would be prevented.

Willow Green South

52. I am informed by [REDACTED] that the proposed injunction area includes land beyond the extent of the First Claimant's registered title, and includes part of the public highway (Bristol Road) as shown marked in pink on Plan 7.2. The First Claimant has advised that there are two means of access and egress into Willow Green South site, as shown on Plan 7.2 off Bristol Road, which is a public highway. I am instructed the most northern access point is used by the First Claimant's employees for the staff car park, and the access point further to the south is HGV access.
53. The proposed injunction boundary therefore includes a small section of the public highway at the northern access point, leading on to the highway, in order to enable access and egress to the staff car park. I am informed by the Claimant that it is reasonable and proportionate to include the section of the public highway marked in pink because this is the means of access and egress to the staff car park and as explained within the Witness Statement of [REDACTED]

Willow Green has already been protest activity at Willow Green North on 10 January whereby Willow Green South was impacted.

G. WAKEFIELD - REGISTERED TITLE

54. The title to the First Claimant's RDC at Kenmore Road, Wakefield Industrial Estate Wakefield WF2 0XF is held under various titles, as I set out below:
- 54.1 The First Claimant's Frozen Foods distribution centre ("**Wakefield Frozen Foods DC**") shown on the First Claimant's plan for title number YY177091 (title register and title plan enclosed at pages 1594 to 1600 of the exhibit marked "**AT1**");
- 54.2 The First Claimant's Fresh Food distribution centre ("**Wakefield Fresh Food DC**") shown on the First Claimant's plan for title number YY177092 (title register and title plan enclosed at pages 1601 to 1608 of the exhibit marked "**AT1**");
- 54.3 The First Claimant's main warehouse (Ambient) ("**Wakefield Main Warehouse**") shown on the First Claimant's plan for title number YY177093 (title register and title plan enclosed at pages 1609 to 1616 of the exhibit marked "**AT1**");
- 54.4 The First Claimant's bread distribution centre ("**Wakefield Bread DC**") shown on the First Claimant's plan for title numbers WYK497087, WYK254608 and WYK192356 (title registers and title plans enclosed at pages 1617 to 1659 of the exhibit marked "**AT1**"). The First Claimant owns the freehold interest in the Wakefield Bread DC and there are no underleases of this land; and
- 54.5 The First Claimant's petrol station for its HGV fleet ("**Wakefield Petrol Station**"). The First Claimant occupies the Wakefield Petrol Station under the terms of an unregistered lease dated 25 April 2024 and made between (1) Mercury PFC Newco 2 Limited and (2) WM Morrison Supermarkets Limited (lease enclosed at pages 1660 to 1676 of the exhibit marked "**AT1**"). The freehold owner of the Wakefield Petrol Station and the First Claimant's landlord is Mercury PFC Newco 2 Limited, whose title is registered at HMLR under title number YY193321 (title register and plan enclosed at pages 1677 to 1681 of the exhibit marked "**AT1**").
55. The First Claimant occupies that Wakefield Frozen Foods DC, Wakefield Fresh Food DC and the Wakefield Main Warehouse under the terms of a lease dated 7 December 2022 and made between (1) Otrera Propco Limited and (2) The First Claimant (an extract of the lease is enclosed at pages 1682 to 1777 of the

exhibit marked "**AT1**"). The First Claimant's landlord is White Rose Wak Limited, whose title is registered at HMLR under title number YY176574 (title register and title plan enclosed at pages 1778 to 1789 of the exhibit marked "**AT1**").

56. References within this statement to "**Wakefield**" mean the Wakefield Frozen Foods DC, Wakefield Fresh Food DC, Wakefield Main Warehouse, the Wakefield Bread DC and the Wakefield Petrol Station, together.
57. There is now produced and shown to me at pages 20-21 of the exhibit marked "**AT2**" the following:
 - 57.1 Plan 8 which shows the proposed extent of the injunction boundary for Wakefield. The proposed injunction boundary is superimposed on to the plan in a red line. This plan also shows the public highway in pink and the extent of the First Claimant's ownership. The section on the plan to the north of Telford Way to the west on the plan is the Wakefield Petrol Station, the First Claimant's title to which is not registered at HMLR (the First Claimant's lease is enclosed at pages 1660 to 1676 of the exhibit marked "AT1"). This plan therefore identifies the approximate boundary of the First Claimant's interest in Wakefield Petrol Station; and
 - 57.2 Plan 8A which shows the various titles within the boundary and identifies third party land in black. The section on the plan marked in brown is Wakefield Petrol Station, the position for which is explained in the preceding paragraph.
58. I am informed by [REDACTED] that the proposed injunction area follows the extent of the First Claimant's registered titles, save for it includes Kenmore Road, which is the main road through Wakefield. Access to Wakefield is obtained from the A650 roundabout, shown to the south of Plan 8 on to Kenmore Road and stop just before the roundabout to the A650 to the south of Wakefield. Title WYK192356 appears to include Kenmore Road, however Orbital Witness also suggests that the majority of this road is public highway, as shown marked pink on Plan 8 and black on Plan 8A. The section of road shown coloured green on Plan 8A (to the south of title YY177092) and leading to Stephenson Way is part of title WYK192356, of which the First Claimant is the registered proprietor.
59. The First Claimant believes that it is reasonable and proportionate to include the sections of public highway identified within the proposed injunction area because access and egress to Wakefield is obtained from the roundabout on the A650 on to Kenmore Road and therefore if there was a blockade on the A650 roundabout, or along Kenmore Road this would prevent access and egress to the site. I am

instructed that the Wakefield Petrol Station is fundamental to the operation of Wakefield as this is where HGVs refuel and the only means of access and egress to this land is via Kenmore Road.

SECTION 2: THE PROPOSED INJUNCTION

60. The Claimants seek an injunction in the terms set out in the draft Orders in respect of the land coloured blue, orange and pink (as applicable) on Plans 1 – 8 (available at **Exhibit AT2**).
61. The proposed injunction area in each case generally follows land within the ownership of the relevant Claimant and boundary features (including fences, gates and hedgerows) which demarcate the operational limits of each of the RDC sites (shown coloured blue) and includes where applicable and as described above:
- 61.1 third party land over which a right of way to access the relevant site is enjoyed. The extent of such rights of way are shown on the relevant plans coloured orange; and
- 61.2 public highway. The extent of the public highways are shown on the relevant plans coloured pink.
62. For the reasons explained above and further in [REDACTED] statement, the Claimants consider it necessary to include such areas of land (as applicable) within the scope of each of the injunction boundaries to ensure that they provide practical protection.

SECTION 3: FARMERS TO ACTION - BACKGROUND

63. Farmers to Action ("**FTA**") is a lobby group which refers to itself as "*Dedicated to defending Farmers and Citizens across Great Britain. Championing for fairness in policies that protect all our livelihoods*" via its social media profiles and online platforms:
- 63.1 Website and Forum: <http://farmerstoaction.org>
- 63.2 X (Formerly) Twitter: <https://x.com/FarmersToAction>
- 63.3 Instagram: <https://www.instagram.com/farmerstoaction>
- 63.4 Youtube: <https://www.youtube.com/@FarmersToAction>

- 63.5 Facebook: <https://www.facebook.com/profile.php?id=61569087725575&mibextid=LQQJ4d>
- 63.6 TikTok: <https://www.tiktok.com/@farmerstoaction>
- 63.7 Threads: <https://www.threads.net/@farmerstoaction>
64. Together Declaration ("**Together**") is a lobby group which says it "*unites people throughout the UK to uphold freedom and fundamental democratic rights*" via its social media profiles and online platforms:
- 64.1 Website and Forum: <https://togetherdeclaration.org/>
- 64.2 X (Formerly) Twitter: <https://twitter.com/Togetherdec>
- 64.3 Instagram: <https://instagram.com/togetherdeclaration/>
- 64.4 Youtube: <https://youtube.com/togetherdeclaration>
- 64.5 Facebook: <https://facebook.com/TogetherDeclaration>
- 64.6 TikTok: <https://tiktok.com/@togetherdeclaration>
65. According to its website, Together supports a number of campaigns, including the campaign 'With Our Farmers #together' campaign. The webpage for the campaign states:
- "Taxing family farms out of existence affects us all. We were among the crowd of up to 50,000 gathered in heavy rain outside Downing Street in protest against the new government imposing Inheritance Tax on farms, which will affect 75,000 farms and force many to sell up. Our food security is in danger and this policy needs a serious rethink."*

SECTION 4: FARMERS TO ACTION – 2025 PROTEST ACTION - GENERAL

66. FTA have released a mission statement entitled "*Our Demands for the Farming Awareness Campaign*" (enclosed at **page 1** of the exhibit marked "**AT3**") in response to the Labour Government's Autumn Budget for 2024. The statement calls for:
- 66.1 the abolition of Inheritance Tax and restoration of Agricultural Property Relief and Business Property Relief;
- 66.2 fairness in food pricing and

66.3 national food security,

(the "**Demands**").

67. The Demands have been re-posted on a number of social media platforms by FTA, Together and members of the public. One supporter re-posted the Demands on X (formerly Twitter) on 9 January 2025, with the comment:

"IMPORTANT ACTION NOTICE

*@Keir_Starmer @RachelReevesMP @SteveReedMP @DefraGovUK
@10DowningStreet @NFUtweets*

You are NOT LISTENING !

You have left Farmers with nowhere to go but to take matters into their own hands.

They are NOT backing down .. Instead they are UNITING across the country for days & weeks of Action #FarmersProtest #FarmersProtests #FarmerProtest

@FarmersToAction @Togetherdec

OUR FOOD SECURITY IS AT RISK !!

OUR FARMERS

YOUR FOOD

EVERYONE'S FUTURE

@FarmersToAction demands are clear."

68. On 9 January 2025, the FTA and Together Instagram pages (available via https://www.instagram.com/p/DEmBAjbtgjs/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA== and enclosed at **page 2** of the exhibit marked "**AT3**") jointly posted a photograph which stated "January 10th 2025 Starting 10:30am. Follow our socials for live updates on our future events. #together www.farmerstoaction.com" with the caption:

"We are just getting started...2025 Will Be The Year of Action!

Our Demands are Clear.

Our Farmers, Your Food, Everyone's Future.

We are not going to back down @RachelReevesMP @Keir_Starmer @SteveReedMP @10DowningStreet @DefraGovUK”.

69. On 10 January 2025, the FTA posted to its social media sites a photograph (enclosed at **page 3** of the exhibit marked “**AT3**”) which stated “National protests starting 10:00am January 10th 2025. Follow our socials for live updates on today's event. #together www.farmerstoaction.com | www.linktr.ee/farmerstoaction.” with the caption:

“Nationwide Tractor Protests are happening all over England, Wales & Scotland.

Following two days of action in Yorkshire and Oxford, We will take to the roads across the country to show what they think of @SteveReedMP DEFRA Roadmap and @RachelReevesMP IHT Levy.”

*(the “**10 January Action**”).*

70. Initial protest action commenced in January 2025 by members of the FTA and Together appeared to be limited to protest action against the government. For example:

- 70.1 “*Tractors take to streets in slow drive to urge councillors to reject Budget proposals*”, as reported by the Farmers Guardian on 7 January 2025 (available via <https://www.farmersguardian.com/news/4392918/tractors-streets-slow-drive-urge-councillors-reject-budget-proposals> and enclosed at **pages 4-5** of the exhibit marked “**AT3**”); and

- 70.2 “*Farmers protest outside Oxford Farming Conference*” reported by Farmers Guardian on 9 January 2025 (available via <https://www.farmersguardian.com/news/4393834/farmers-protest-outside-oxford-farming-conference> and enclosed at **pages 6-8** of the exhibit marked “**AT3**”).

71. Notwithstanding that the calls for protest were directed at members of parliament and DEFRA (who are tagged in the social media posts referred at paragraphs 43-44 above) in response to the Labour Government’s announcement of changes to inheritance tax reliefs which are due to be implemented from 6 April 2026, the subsequent method of protest clearly indicates that the 10 January Action was not limited to government policy but also sought to directly target supermarket chains.

72. The 10 January Action called for FTA members to co-ordinate and take part in ‘go-slow’ tractor drives. Ultimately, the routes which were chosen for these drive were

main roads and/or access roads near to distributions centres of supermarket chains (primarily the RDCs, as more fully explained in Section 5 below). The 10 January Action therefore directly affected – and aimed to apply pressure to – supermarkets to take affirmative action to support the implementation of the FTA’s Demands by the government.

73. It is apparent that the 10 January Action was brought about by the FTA and Together’s call to action on social media to their members, other farmers and members of the public. FTA members were subsequently encouraged to co-ordinate specific meets for localised protests/‘go-slow’ drives on routes determined by their proximity to, and likely disruption of, the Claimants (and other supermarkets’) RDCs. On 22 December 2024 one Farming Forum user stated:

“I’ve been asked to put it out that next steps are being paved for 10th January and are encouraged to be run locally. If you can coordinate amongst yourselves to get word out there to those in your localities to save the date and gather numbers...”

(enclosed at **page 9** of the exhibit marked **“AT3”**, and available via <https://thefarmingforum.co.uk/index.php?threads/save-the-date-10th-january-2025.420029/>).

SECTION 5 - FARMERS TO ACTION – 10 JANUARY ACTION

74. On 10 January 2025, various rolling road-blocks or ‘go-slow’ drives were reported as a result of the FTA and Together’s call for the 10 January Action in locations near to the RDCs.

RDC	Nearby 10 January Action
Willow Green	‘Dozens’ of tractors reported on the A38 road in/around Devon and Exeter on a go-slow drive (15mph) (see link to Telegraph report at paragraph 75 below).
	80 tractors reported to have assembled at Thruxton Race course in Hampshire and carried out a three-hour slow drive along the A303 (see link to Telegraph report at paragraph 75 below).
Swan Valley	Go-slow convoy around centre local to Northampton that covers <i>“most of the midlands</i>

	<i>food distribution for a couple of mainstream supermarkets” (see link to Telegraph report at paragraph 75 below).</i>
Gadbrook	<p>50 tractors reported on the A530 road in/around Northwich, Cheshire to disrupt goods being delivered to/from the distribution centre – albeit I am not aware of a substantive impact on the Claimants’ operations from this site as a consequence (see link to Telegraph report at paragraph 75 below).</p> <p>A video of drone footage of the 10 January Action in Cheshire was posted to the FTA Facebook group on 10 January 2025 (available via https://fb.watch/x3wAak-Lq6/ and enclosed at page 10 of the exhibit marked “AT3”).)</p>
	<p>30 tractors reported on the A5 road between Shrewsbury's Halls Livestock Market and the Dobbie's and Emstrey roundabouts on the A5 (reported by BBC News on 10 January 2025 available via https://www.bbc.co.uk/news/articles/cn012q2r4xyo and enclosed at pages 11-13 of the exhibit marked “AT3”).</p>

75. The Telegraph reported on the above actions and further go-slows that took place in Dorset, Hampshire, Cornwall, Derbyshire and Lincolnshire on 10 January 2025 (<https://www.telegraph.co.uk/news/2025/01/10/farmers-protest-live-rachel-reeves/?msockid=3c7c054838306b3b0e3311fd39086aac>, (enclosed at **pages 14-35** of the exhibit marked “AT3”).
76. As part of the 10 January Action, the Claimants’ store in Bideford was also targeted by protestors driving tractors through the carpark of the Bideford store. A video of the action was posted to Together’s Instagram page on 11 January 2025 (available via https://www.instagram.com/reel/DEpbBv0vRSZ/?utm_source=ig_web_copy_link and enclosed at **page 36** of the exhibit marked “AT3”).

77. The 10 January Action was further reported in Farmers Weekly on 10 January 2025 (available via <https://www.fwi.co.uk/news/farmers-to-action-launches-day-of-national-protests>) which stated:

"The protests on Friday 10 January will see more than 40 tractor road runs across England, Wales, and Scotland, with events taking place in areas including Berkshire, Norfolk, Hampshire, Sussex, Devon, Chester, Leicestershire and Northumberland.

Farmers are also using tractors to block supermarket distribution centres in some locations, including Reading, Northampton and Cheshire.

At Thruxton Circuit in Andover, Hampshire, hundreds of tractors assembled ahead of a their go-slow drive along the A303."

(enclosed at **page 37-38** of the exhibit marked "**AT3**").

78. On 13 January 2025, a video from Adam D Miller (co-founder of Together) reported that over 45 counties had taken part in the 10 January Action (<https://x.com/alanvibe/status/1878697286039122397>).

SECTION 6 - FARMERS TO ACTION - BLOCKADE OF WILLOW GREEN RDC

79. From around 7.30pm on Friday 10 January 2025 to 8.30am on Saturday 11 January 2025, approximately 40-60 tractors parked in the following locations, blocking access to and from Willow Green:

79.1 the roundabout at the entrance to Willow Green on Kings Rd; and

79.2 the roundabout joining Bristol Rd, Express Pk and the A38,

(the "**Blockade**").

80. The Blockade was widely reported by members of the public and FTA supporters via FTA, Together and individuals' social media accounts:

80.1 a video posted to Farmers to Action's Facebook page shows the demonstration at Willow Green (available via <https://fb.watch/x3q5je50bM/> and enclosed at pages **page 39** of the exhibit marked "**AT3**").

80.2 a video posted to Together's Facebook page reporting the tractors parked at Willow Green (available via <https://www.facebook.com/share/v/15qpFYknWt/> and enclosed at **page 40** of the exhibit marked "**AT3**").

80.3 drone footage posted to a member of the public's TikTok shows the extent of the blockage at Willow Green. This post has been 'liked' 3558 times as of 1:56pm on 14 January 2025 and received 79 comments including:

80.3.1 *"It's the supermarkets that are screwing you. This makes more sense than the tax protest";*

80.3.2 *"12 hrs is not long enough this need to keep going for days weeks take turns";*

80.3.3 *"we all with you but the police will destroy the efforts as always but just let them try keep going the lads top job"; and*

80.3.4 *"That's the Morrisons RDC so basically Morrisons stock room for a large part of the country. No lorrie's could get in or out so Morrisons will have some product shortage and lost revenue"*

(available via

<https://www.tiktok.com/@exmoor.angus.farm/video/7458740231043419425>

and enclosed at **page 41** of the exhibit marked "**AT3**")

81. The impact of the Blockade on the Claimants is explained in [REDACTED] accompanying statement specifically at section 4 of that statement. It is my understanding that the Claimants are operators within the Food sector identified as Critical National Infrastructure as designated by the UK National Protective Security Authority. The October 2024 updated UK Food Security Report specifically addresses food supply chain resilience. It states "The importance of the UK food supply chain cannot be overestimated. Food is one of 13 Critical National Infrastructure (CNI) sectors in the UK. CNI sectors are "those facilities, systems, sites, information, people, networks and processes necessary for a country to function and upon which daily life depends". It states "Every element of the supply chain, from food manufacturing to retailers, relies on physical infrastructure (buildings, vehicles, machines, power and data connections); digital infrastructure (the digital technologies that provide the cyber foundation for information technology and operations); human infrastructure (the skilled people who work in the supply chain and their working relationships with each other) and economic infrastructure (the system of finance, contracts and agreements that allow businesses to make money and operate productively.) Problems arising anywhere in this system can cause disruption to the supply of food". The Public Order Act of 2023 also provides for a new powers to the Court to make a "serious disruption prevent order" under sections 20-21 and section 34(2)(b), which

includes preventing persons from accessing, or suffering a disruption that is more than minor, food supplies.

82. The disruption to lorries that had scheduled deliveries to/from Willow Green during the period of time in which the Blockade was in place, is shown in a video posted to TikTok by a member of the public dated 11 January 2025 is available via https://www.tiktok.com/@thetyrewomble/video/7458716888869145889?is_from_webapp=1&sender_device=pc&web_id=7459001210151044630 and enclosed at **page 42** of the exhibit marked "**AT3**".
83. The effect of the disruption to the delivery of produce to local Morrisons stores was reported on individual Facebook profiles and posted to the FTA Facebook page (available via https://www.facebook.com/permalink.php?story_fbid=pfbid031S4fJGH3Y1gUnhHFupdy6kLCoT5ppUy5Gqu1uJQ878Z8Bi3BK7JVDrRaeXUxpxTZI&id=61569087725575 and enclosed at **page 43** of the exhibit marked "**AT3**").

SECTION 7 - FARMERS TO ACTION – THREAT TO DISRUPT THE CLAIMANTS' RDCS

84. FTA and Together has organised/are organising further protests scheduled to take place on 17 January 2025.
85. On the Farming Forum, one user posted on 6 January 2025 (available via <https://thefarmingforum.co.uk/index.php?threads/supermarket-meet-tractors-17th-january.420478/> and enclosed at **pages 44-50** of the exhibit marked "**AT3**"):

"Plan for a coordinated national action,

This action is supported and promoted by the organisers of the the various other successful large events to date and we will be asking The NFU to also support this and get members involved

When - January 17th

Where - a local supermarket there will be one close to you on a list we will publish in due course

What - Drive and park your tractor to a local supermarket, ideally with banners etc and park in their carpark. The aim will be to spend a couple of hours in a

none disruptive way and then disperse. Ideally we want tractors but if you really can't manage that a farm pickup will be ok (double cab preferred !)

Why - *to keep pressure on that farmers are not backing down on the damage this budget will cause and show the strength [sic] of our resources that "could" be used in far more disruptive ways sould [sic] that become necessary !*

Whilst there be sure to buy an item that can justify your visit as business use such as Tea / Coffee / cleaning products or office stationary. This [sic] validates the use of your fuel and car parking

Organisation of this to be at local level so please get together with neighbours to choose you supermarket, we suggest you use whatsapp [sic] groups and TFF to coordinate yourselves

We will aim to coordinate and manage national press but any local press and promotion your groups can get will help

*Replies to this thread **NOT** to question this action (they will be deleted so don't bother !) Replies **ONLY** to state that you will be participating and your nearest town so we can build that "target" list*

Let's make this a big one ! It's legal and none disruptive *(aiming to maintain the fantastic public support we have) BUT sends a message again that is at some point we choose not to play so nicely we "could" shut things down. It will cost you NOTHING more than your time, no train ticket to London required this time, EVERY farmer should get involved in this"*

86. Protestors continue to target the Claimants more generally and the wider supermarket retailer industry through social media posts and online farming forums for an alleged failure to support local farms/farmers which indicate further intention to blockade RDCs at future dates until the Demands are met:

86.1 A video posted on 11 January 2025 to FTA's Facebook page following the Blockade includes a comment which states:

"A concerted effort like this all around the country will soon have Supermarket shelves empty and the government regretting their greedy lying actions."

(available via https://fb.watch/x5lqv-C_qh/ and enclosed at **page 51** of the exhibit marked "**AT3**").

- 86.2 A video posted on 13 January 2025 to FTA's Facebook page shows an FTA member endorsing the 10 January Action and subsequent blockade, and encouraging further action (available via <https://fb.watch/x4ONVIplG-/> and enclosed at **page 52** of the exhibit marked "**AT3**"). The FTA member says:

"The government, the supermarkets, they finally need to start prioritising the British farming industry. They need to start prioritising food security. So, we went from rolling road-blocks on dual carriageways and then it progressed to rolling road-blocks around supermarket depots and then, oh my goodness, Somerset, Bridgwater Morrisons, they went and blockaded it from 7.30pm until 8.20am. Legends. Well done. Keep it going. Keep the pressure on them. We're not going to give up. We are literally fighting for our futures here. So yeah, we're normal farmers. Well done. So proud. And we're going to keep going until people start to listen."

- 86.3 Together posted a photograph to its Instagram page on 10 January 2025 which included the statement "*Farmer protests target supermarket supply chains*". Comments related to that post include further support for further action:

"Food security is paramount to the UK. Imports can be shut down by the GOV. Despite their efforts, please everyone STOCK UP ON FOOD. Fill your pantries so you can use your NO MUSCLE."

"To support the farmers; and by farmers I mean the smaller independent farmers, we can all collectively boycott supermarkets!"

(available via

https://www.instagram.com/p/DEpkLJ5oM2A/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA== and enclosed at **page 53** of the exhibit marked "**AT3**").

87. There is clear and consistent rhetoric from supporters of member of FTA that, following the 10 January Action and Blockade, further action is intended until the Demands are met, and that such actions will be directly targeted at supermarket chains.

- 87.1 One video uploaded to TikTok by account "The_f_in_Farmer" on 11 January 2025 includes the statement: "*Farmers Stand Up. If there has ever been a time It's now.*" (available via https://www.tiktok.com/@the.f.in.farmer7/video/7458471978400255264?is_from_webapp=1&sender_device=pc&web_id=7459001210151044630 and enclosed

at **pages 54-55** of the exhibit marked "**AT3**"). The video was then re-posted to X (formerly Twitter) by the creator with the comment:

"With 40 separate events strategically organised in one day from Scotland to Cornwall, starting from 9.00am Friday till 8.30am Saturday going through the night at [#someset](#) [@FarmersToAction](#) would like to invite everyone to support us! Farmers we need all your help! We would like to invite all groups to work with us! The public we want fair prices for food for you and us!"

- 87.2 The same account uploaded a further video on 11 January 2025, with the caption *"Farms and businesses could be decimated if government doesn't stand down on its bullshit policies! @PFFA_UK @alanvibe"* asking for farmers to unite. The video further references 3,500 farmers having joined to change the industry (available via <https://x.com/TheFarmer/status/1878063051523420269> and enclosed at **page 56** of the exhibit marked "**AT3**").

SECTION 8 - PERSONS UNKNOWN

88. The Claimants do not know the names of any individual (a) involved at the protest which took place at Willow Green on Friday, 10 January 2025; or (b) who intends to disrupt operations at the RDCs and that it is impossible to name or identify them. In order for any restraining injunction to be effective, it would therefore need to be granted against the class of Persons Unknown referred to in these proceedings.
89. Whilst the Claimants do not know the names of any individual (a) involved in the 10 January Action or the Blockade; or (b) who intend to disrupt operations at the Injunction Sites and consider that it is impossible to name or identify them, in the interests of full and frank disclosure:
- 89.1.1 I note that Adam D Miller, co-founder of Together, attended protests organised by FTA and Together, Mr Miller's attendance at these actions appears to be to report on the effects of the relevant action;
- 89.1.2 that said, the Claimants are not aware of Mr Miller attending the Blockade and have no basis for anticipating that he is personally committed to unlawful protest action at the Injunction Sites; and
- 89.1.3 the Claimants have not been able to reasonably ascertain and/or verify the details of individuals involved in the 10 January Action, the Blockade, or who intend, with reasonable certainty, to disrupt

operations at the Injunction Sites, from the social media / online posts referred to in this statement.

SECTION 9 - BALANCE OF CONVENIENCE / COMPELLING JUSTIFICATION

90. I would note that it appears, from other protest proceedings, that interim injunctions have proved to be a more effective deterrent against direct action than the possibility of protestors being charged with criminal offences:-

90.1 I am aware from the summary judgment decision of Ritchie J in *Valero Energy Ltd v Persons Unknown [2024] EWHC 134 (KB)* that:

90.1.1 the first injunction was granted to Valero in late March 2022, restricting access to 8 sites including the Kingsbury site;

90.1.2 despite that between 1 April and 7 April 2022 and 9 and 15 April 2022, protestors attended the Kingsbury Terminal;

90.1.3 the protestors also targeted other owners' sites;

90.1.3.1 on 11 April 2022, the interim injunction was replaced by an order of Bennathan J;

90.1.3.2 the evidence in support of the final injunction included evidence that the interim injunctions in combination with those obtained by Warwickshire Borough Council had significantly reduced protest at the Kingsbury site (see [39]) and that, since June 2023, JSO had carried out their protests on different sites (see [40]), although I do note there were 9 dates on which protests had occurred at sites covered by the injunction in April 2022, May 2022, August and September 2022 (see [29]);

90.1.4 the significant reduction in protest activity at a site following an interim injunction being obtained appears to have also occurred in other cases. For example, as was set out in:

90.1.4.1 Hill J's decision in *Shell UK Ltd v Persons Unknown [2023] EWHC 1229 (KB)* at [31], there was evidence that the injunction of Bennathan J in respect of Shell Centre Tower, had had a strong deterrent effect as there were no incidences of unlawful activity following it. However,

corporate buildings had been the target of unlawful activity since the injunction was made;

90.1.4.2 Cotter J's judgment in *Shell UK Limited and others v Persons Unknown* [2024] EWHC 1546, in which Cotter J was not convinced by a defendant's argument that the renewal of the injunction sought was unnecessary in light of the new offences created by the Public Order Act 2023 which criminalise "locking -on" (ss1 and 2) and interference with national infrastructure (s7), stating at [27] that *"it has not been a settled principle adopted by the civil and family courts to date that the courts should refuse to prevent future conduct by an order solely on the basis that if material activity does occur, the defendant may afterwards face criminal prosecution, or indeed to refuse to restrain conduct of a type which has already been the subject of criminal proceedings. The essential reason for this is that civil orders address prospective behaviour so that damage or harm is avoided."*

90.1.4.3 Dias J's judgment in *Shell UK Limited and others v Persons Unknown* [2024] EWHC 3130 at [135]; *"As to the deterrent effect of increased criminal sanction and powers, the submission is advanced without any or any solid evidence. It is just as possible that the reduction in direct action unlawful protests targeting Shell is a result of the interim injunctions granted. It seems to me speculative to assign the change in pattern of protest to the coming into force of the Public Order Act 2023."*

90.1.5 from the cases where interim injunctions have been granted and then later reviewed, there seems to be a pattern of behaviour where the interim injunctions against protestors result in protests ceasing entirely or reducing significantly at the location subject to the injunction and the protestors moving to other sites.

SECTION 10 - FULL AND FRANK DISCLOSURE

91. I am aware that the Claimants have to give full and frank disclosure and I confirm that the Claimants have given full and frank disclosure of all facts, matters and arguments which, after reasonable research, they are aware of or

could with reasonable diligence ascertain and which might affect the decision of the Court whether to grant the order or the terms of the order it is prepared to make.

92. With this duty in mind, I note that a response appears to have been issued by FTA [REDACTED] [REDACTED] [REDACTED] [REDACTED] – such response being in the form of a response on X (formerly Twitter) Farmers To Action on X: "Thank you to @Morrisons for such a positive response to the @FarmersToAction & @Togetherdec campaign against the Family Farm Tax (IHT) on Friday 10th January 2025 We are looking forward to sitting down with you to discuss the way forward for British farming & the sector. The <https://t.co/9zhTX7z4XN>" / X.

SECTION 22 - NOTICE OF THE PROCEEDINGS AND SERVICE

Notice

93. The Claimants have decided to make this application for an interim injunction with limited notice to Persons Unknown (by the methods proposed in section 12 below).
94. It is appreciated that this is an exceptional step but the Claimants believe there are compelling reasons for doing so as the Claimants are concerned that if the Persons Unknown are notified in the usual way, one or more of the RDCs will be deliberately targeted and direct action will take place before an injunction is in place which would have a substantive and detrimental impact to the Claimants' business (in a similar manner to that described in [REDACTED] accompanying witness statement). This would defeat the very purpose of the injunction – especially in the light of the Claimants' apprehension of direct protest action against it on Friday, 17 January 2025 and the significant potential harm to which they will be exposed to if that is allowed to take place.
95. In terms of the steps taken:
- 95.1 the Claimants uploaded copies of the currently available documents (Claim Form, Draft Orders, Application Notice, Certificate of Urgency and Witness Statements of Andrew Todd, [REDACTED] Joanna Goff and [REDACTED] (redacted to protect witness anonymity and to protect private data) to a page at the First Claimant's website: www.morrisons-corporate.com/injunction;

95.2 this firm will send an email message to info@farmerstoaction.org today (15 January 2025) (following issue by the court) referring to the fact that these proceedings have been issued, an injunction covering the Injunction Sites applied for, and that the abovementioned court documents made by viewed on the above website; and

95.3 this firm will send an email message to info@farmerstoaction.org, once the hearing of the Claimants' injunction application has been listed, to provide details of such hearing and a copy of the Claimants' Skeleton Argument.

Service

96. The Claimants propose to take the following steps to serve the Claim Form, application notice, accompanying document and any order made by the Court:-

96.1 uploading copies (redacted to protect witness anonymity and private data) of all the court documents to a page at the following website: www.morrisons-corporate.com/injunction;

96.2 affixing large warning notices in each of the locations shown with an "X" on Plans 1 – 8 (as applicable / relevant) referring to:-

96.2.1 the proceedings;

96.2.2 the fact that an injunction is now in place covering the relevant RDC site;

96.2.3 the fact that the court documents:-

96.2.3.1 may be viewed on the relevant website (and providing the relevant URL); and

96.2.3.2 the fact that copies of the court documents may be obtained from the Claimants' solicitors and providing the relevant contact details;

96.3 sending an email message to info@farmerstoaction.org providing the same information as that contained in the warning notice (being email addresses which the Claimants have been able to identify to date for FTA); and

96.4 affixing a copy of the sealed Order in each of the locations shown with an "X" on Plans 1 – 8 (as applicable / relevant).

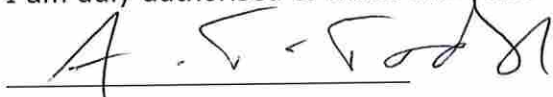
97. Draft warning notices for each of the RDC sites for the Court's approval will be available at the hearing of the Claimants' application a proposed template is exhibited at **page 57** of **Exhibit AT3**.
98. By taking these steps, the Claimants believe the proceedings, the application notice and the Order will come to the attention of Persons Unknown. I am aware that the same or substantially the same steps as those referred to above have been ordered in similar protest injunction proceedings:
- 98.1 Shell UK Ltd v Persons Unknown [2024] EWHC 3130 (KB) – please see order exhibited at **pages 58-67** of **Exhibit AT3**;
- 98.2 Leeds Bradford Airport Limited and Others v Persons Unknown (Claim Number: KB-2024-002317) - please see order exhibited at **pages 68-77** of **Exhibit AT1**; and
- 98.3 Manchester Airport Plc and Others v Persons Unknown (Claim Number: B-2024-002132) - please see order exhibited at **pages 78-89** of **Exhibit AT3**.

Statement of truth

I believe that the facts stated in this Witness Statement and Exhibits are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I am duly authorised to make this statement on the Claimants' behalf.



Andrew James Todd | 15 January 2025